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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/935,713

08/24/2001

Kevin Bassett

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7590

06/29/2004

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035 CRYSTAL CITY STATION
ARLINGTON, VA 22215

EXAMINER

HANEY, MATTHEW J

ART UNIT

PAPER NUMBER

2613

3

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,713

Applicant(s)

BASSETT, KEVIN

Examiner

Matthew Haney

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Langfahl (US 6,741,165 B1).

As for claims 1 and 7 Langfahl teaches of a means for capturing images within a selected field of view (Note: imaging device which is suitably situated to perform the imaging requirement, Column 3, Lines 14-19); at least one sensor for detecting an activity of intrusion and capturing said intruder (Note: imaging device activated by sensors connected to control unit, Column 3, Lines 24-29); a power supply for capturing and sensor (i.e. car battery) and a processing means for processing image data and transmitting it a remote device (Note: images may be transmitted to an external location

where data is supplied to transmitter by control unit, Column 4, Lines 15-25); and said first, second, and third housing units (Column 3, Lines 30-34).

As for claims 2 and 13 Langfahl teaches of a remote device which is a computer network system (Note: remote server comprising of software, web server, and image sending software, Column 4, Lines 40-43).

As for claims 3 and 14 Langfahl teaches of a computer network system which includes at least one internet server (Column 4, Lines 44-45).

As for claims 4-6 and 15-17 Langfahl teaches of a computer network system which includes at least one digital device (i.e. a web-enabled PDA or satellite) and wireless data transmission and reception capability (Note: image sending software transmits the images to an image receiving device (i.e. PDA, etc.), Column 4, Lines 59-64).

As for claims 8-10 Langfahl teaches of a processing and transmission means are housed within said second housing portion of the vehicle and power means being housed within said third housing portion and first housing portion is in an interior cab portion of the vehicle (Column 3, Lines 30-36).

As for claims 11 and 12 Langfahl teaches of a second housing portion which is an interior truck portion and a third housing portion which is an interior hood portion (Column 3, Lines 30-34).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langfahl (US 6,741,165 B1) in view of Kikinis (US 5,815,093).

Most of the limitations of this claim have been noted in the above rejection of claims 7, 13, 15, and 17. Langfahl does not teach of data that is positional data of the automobile, however, Kikinis does (Note: location (i.e. positional) data is based from a GPS receiver, Column 5, Lines 21-35). It would have been obvious to one skilled in the art to apply the GPS receiver to the apparatus in order to have a location that could be sent to the police or other emergency vehicles in order for a more timely response.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langfahl (US 6,741,165 B1) in view of Newlin (US 5,636,211).

Most of the limitations of this claim have been noted in the above rejection of claims 1 and 7. Langfahl does not teach of a specified frequency range from 1 GHz up to 2.4 GHz for use in transmitting and receiving captured data or does he teach of a capturing image data within a frequency range of 12 GHz up to 18 GHz, however, Newlin does (Column 6 Lines 58-60). It would have been obvious to one skilled in the art to apply the frequencies mentioned because standard use of these frequencies and the equipment used in the invention requires these set frequencies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-

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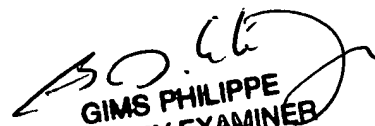
4915. The examiner can normally be reached on M-Th (7-4:30), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney
Examiner
Art Unit 2613

mjh


GIMS PHILIPPE
PRIMARY EXAMINER